IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Guy O. Bargnes

Serial No.:   09/602,922

Filed: June 23, 2000

For: COMPUTER-IMPLEMENTED VEHICLE
REPAIR ANALYSIS SYSTEM

Group Art Unit: 3623

Examiner: Meinecke Diaz, Susanna M.

<u>DECLARATION UNDER 37 C.F.R. § 1.132</u>

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Examiner:

I, Charles A. Kelly, as a co-inventor of the subject application hereby state that:

1.   I am a citizen of the United States.

2.   I am currently employed as a contract employee for BASF Corporation, who is the assignee of the subject application.

3.   I have worked in the collision repair industry since 1993. Initially I was employed by Ford Motor Company to evaluate, analyze, and develop improvements for measuring the performance of collision repair businesses. I was then employed by PPG Industries to develop digital improvements for the collision repair industry. My employment with PPG continued until March, 2000. Following this, I accepted my current position with BASF to pursue internet applications of collision repair business analysis.

4.   During my 11 plus years in the collision repair industry, I have become aware of ADP Collision Repair Services (ADP). I am also aware of ADP's collision repair management system, which is sold under the name of Stellix.

5.   I have, on a number of occasions over the past 11 years, seen the operation of Stellix and in fact closely observed the use of this system to determine its capabilities and weaknesses.

6.   One feature of the Stellix system is called ShopView. Recently, on December 8, 2004, I reviewed all current literature on Stellix and visited and reviewed all relevant ADP Stellix websites and sub-sites. Also, on December 8, 2004, I contacted a regional sales representative for ADP to specifically discuss ShopView and the functionality of the Alert feature.

7.   I am also aware of, have read, and understand the ADP disclosures cited by the Examiner, which are entitled "ADP Collision Repair Services Brings New Management Features to Body Shops with Release of Stellix 1.4" and "ADP Collision Repair Services and Akzo Nobel Announce Release of Stellix 2.1".

8.   As a result of my understanding of ADP's Stellix system, which includes the ShopView feature, it is apparent that this system does not disclose the unique operational features of the subject invention.

9.   Before the development of the Stellix system and the subject invention, repair shops would manually monitor the overall status of each vehicle in an attempt to determine a repair shop's productivity, profitability, etc. The overall statuses of the vehicles would be monitored on a paper grid sheet or a large magnetic board. In particular, a vehicle Repair Order Number would be written on the board for each vehicle and then a magnetic label (often in the shape of a vehicle silhouette) would be moved across the board as each vehicle moved through a repair process. If a delay occurred to a vehicle, the shop owner would circle the label or some other portion of the board to identify that the vehicle was delayed. The shop owner might also write a comment on the side indicating a reason for the delay, for the purpose of providing information to help get the delayed vehicle moving again. As such, the shop owner addresses each delay individually. Once the repair on the vehicle was completed, the vehicle identifier and any comments would be erased such that a new vehicle could be monitored.

10.   ADP's Stellix system, in essence, computerized many of the operations of the repair shop that were previously done manually as discussed above in paragraph 9. The primary purpose of the Stellix system is to accumulate labor hours sold vs. labor hours actually worked for the purpose of calculating productivity (greater or less than 100%).

11. The latest version of Stellix (Stellix 2.1) includes the ShopView feature that tracks the status or location of the vehicle. In other words, the ShopView feature monitors the location of the vehicle as the vehicle moves through the repair process.

12. The ShopView feature can also produce an 'alert' when a vehicle is delayed. The 'alert', however, simply indicates to the shop owner that a delay has occurred in one of the vehicles. This 'alert' is similar to the prior manual operation of simply circling the vehicle that was delayed.

13. The ShopView feature allows the shop owner to insert comments relative to the 'alert' or delay. Again, the comments feature of ShopView is similar to the prior manual operation of writing a comment on the magnetic board for the purpose of providing information to help get the delayed vehicle moving through the repair process. The comments feature of ShopView therefore addresses each delay individually.

14. The Stellix system, ShopView feature, and 'alert' signal in no way assign an indicator (or code) for a reason of the delay. The 'alert' signal does not categorize and accumulate these codes by general category (such as Parts), by the parts sub-category of parts type (such as Original Manufacturer Parts, Aftermarket Parts, or Salvage Parts), and by sub-sub-category of nature of fault (such as Incomplete Parts Order, Incorrect Parts, Damaged Parts, or non-Fitting Parts). And, the 'alert' feature of the Stellix system does not store these codes in a module for later analytical use for the purpose of making improvements in the production process. In other words, the Stellix system, ShopView feature, and 'alert' signal does not capture and accumulate codes related to causes and sub-causes of delays.

15. The Stellix system, ShopView feature, and 'alert' signal also do not report a proficiency of the repair process or processes by categorizing each of the codes such that chronic problems that occurred during the repair processes can be identified. Certainly, the Stellix system, ShopView feature, and 'alert' signal cannot produce a report based on cause and sub-causes for delays because their data is not collected in the first place (see paragraph 14).

16. The subject invention, through the use of the codes, can be used to accumulate highly detailed monthly data on the reasons of the delays. The amounts of each general type (and sub-type) of delay can be evaluated to identify delay causes (the

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precise nature of the causes) by brand, by parts source, by insurer, etc., so they can be analyzed and so the collision repair process can be improved, as opposed to simply dealing with the delay of an individual vehicle.

17. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true, and further that these statements were made with the knowledge that willful and false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Respectfully submitted,

Charles A. Kelly

Dated: *13 Dec 2004*